

California Regional Water Quality Control Board
San Diego Region

CLEANUP AND ABATEMENT ORDER NO. 98-28
for
CITY OF SAN DIEGO
SAN DIEGO COUNTY

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. The City of San Diego is subject to Order No. 96-04, *General Waste Discharge Requirements Prohibiting Sanitary Sewer Overflows by Sewage Collection Systems*.
2. Prohibition A.1 of Order No. 96-04 states that the discharge of sewage from a sanitary sewer system at any point upstream of a sewage treatment plant is prohibited.
3. The City of San Diego has discharged wastes in the vicinity of Rose Canyon and I-805 in violation of Order No. 96-04 on February 8, 1998 (24,955 gallons at Manhole #57), on February 17, 1998 (36,000 gallons at Manholes #54 and #57), on February 20, 1998 (10,500 gallons at Manhole #54) and on February 24, 1998 (35,250 gallons at Manhole #58). This is a total unauthorized discharge of over 106,700 gallons within a period of just over two weeks, all occurring between manholes #54 and #58. Furthermore, none of this spilled sewage was recovered and the discharges reached Mission Bay on all four days that they occurred. The average duration of these spills was twenty-four hours.
4. This enforcement action is being taken for the protection of the environment and, as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15108, Chapter 3, Title 14, California Administrative Code.

IT IS HEREBY ORDERED that, pursuant to Section 13304 of Division 7 of the California Water Code:

1. The City of San Diego shall initiate the necessary remedial and preventative actions with regard to this section of pipeline (see Finding No. 3 above) to cease the threat of violating Order No. 96-04 and shall abate the effects of past violations of Order No. 96-04 forthwith.
2. The City of San Diego shall submit a technical assessment of the causes of the sewer overflows from this section of pipeline, in the vicinity of the spills cited above in Finding No. 3, by **April 30, 1998**. This assessment shall include the options available for eliminating this illegal discharge. Monthly status reports, providing an account of the progress made toward preventing future spills in this area, shall be due the last day of each month. The first such report shall be submitted to the Regional Board on May 31, 1998.

Pursuant to California Water Code Section 13350, any person who intentionally or negligently violates a cleanup and abatement order may be liable civilly in an amount

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*which shall not exceed five thousand dollars (\$5,000), but shall not be less than (\$500),
for each day in which the cleanup and abatement order is violated.*

JOHN H. ROBERTUS
Executive Officer

Date issued: March 30, 2001